

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
JUDGE PAUL G. GARDEPHE,  
THURGOOD MARSHALL COURT HOUSE  
40 FOLEY SQUARE,  
NEW YORK, N.Y. 10007

ERIC JAMAL LESANE  
REG NO X 07025-031  
FEE PERKIN  
POSTAL BOX #5001  
PERKIN, I.L. 61555

DATED: 9<sup>th</sup> NIGHT OF APRIL, 2020

RE: UNITED STATES V. ERIC JAMAL LESANE, DOCKET NO. 12-524 (PGG)

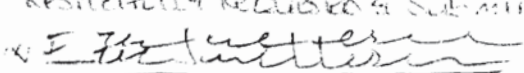
UP DATE IN STATUS OF BOP CONDITIONS SURROUNDING THE BUREAU OF PRISONS FROM COVID-19 AND PETITIONERS MOTION LETTER REQUESTING COURT APPOINTED COUNSEL IN NEXUS TO SUEHT 'HOME CONFINEMENT / DETENTION' DUE TO COVID-19 AND CLOSING OF THE BRONX / NEW YORK 'HALFWAY HOUSES'.

JUDGE GARDEPHE:

THIS PRESENTMENT IS IN CONNECTION TO MY FIRST APRIL 5<sup>th</sup>, 2020 MOTION LETTER FILED WITH THE SOUTHERN DISTRICT OF NEW YORK, P.D. SE INTAKE UNIT, REQUESTING THE COURT TO DENY AND GRANT THIS PETITIONER COURT APPOINTED COUNSEL TO AID IN, AND ON, THE COURT TO RELEASE PETITIONER TO 'HOME CONFINEMENT / DETENTION' DUE TO (1) MY EARLIEST HOME DETENTION DATE BEING JULY 31<sup>st</sup>, 2020, (2) THE BRONX HALFWAY HOUSE BEING CLOSED DOWN AND THE REST OF NEW YORK HALFWAY CENTERS AFFECTED BY THIS COVID-19 PANDEMIC, AND THE FURTHER HEREMTO SUPPORTED EVIDENCE ATTACHED VIA A MEMORANDUM TO THE BOP PRISON POPULATION FROM BOP DIRECTOR M.D. CARVALAL STATING THE BRONX HARSH CONDITIONS WERE TOUGH TO ENDURE, AND GROWING NUMBER OF INMATES NOW INFECTED WITH COVID-19 AND INMATES DEATHS AS A RESULT OF COVID-19 IN BOP LUSTON.

JUDGE GARDEPHE, I DON'T WANT TO BE INFECTED AND OR DIE IN PRISON DUE TO THIS COVID-19 PANDEMIC. THE BUREAU IS JUST AS CONFUSED AND UNSTABLE EMOTIONALLY AND MENTALLY AS THE INMATES THEY GOVERN. ITS NOT THE PRISON POPULATION THATS AT RISK OF BEING THE MOST ITS THE STAFF THAT COME IN AND OUT DAILY AND AROUND US EVERYDAY OFFICERS ARE TAKEN OFF AND COMING UP SICK, OR STILL COMING INTO WORK SICK, AROUND US-SEWING OUR FOOD AND TOUCHING US. I AM SHORT OF THE TIME I WAS SENTENCE TO BY YOU AND ITS NOT MY FAULT THE HALFWAY CENTERS IN THE BRONX WERE CLOSED AND ITS NO REASON I SHOULD BE FURTHER AT RISK OF BEING INFECTED AND OR DYING IN HERE.

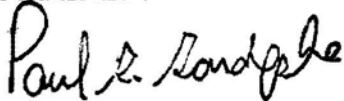
I ASK AND ABOUT BEE THE COURT TO ALLOW ME TO BE RELEASE TO HOME CONFINEMENT WHERE IM SAFER

RESPECTFULLY REQUESTED & SUBMITTED  
  
 ERIC JAMAL LESANE

## MEMO ENDORSED:

The application is denied. Lesane pled guilty to felon in possession of a firearm, in violation of 18 U.S.C. § 922(g) (Dkt. Nos. 8, 62), and was sentenced to 94 months' imprisonment (Dkt. No. 28, 62). His release date is January 3, 2021. (Dkt. No. 67 at 2) To the extent that Lesane seeks release to home confinement under 18 U.S.C. § 3624(c)(2), the Court lacks jurisdiction to issue such relief. See United States v. Engleson, No. 13-CR-340-3 (RJS), 2020 WL 1821797, at \*1 (S.D.N.Y. Apr. 10, 2020) (the "decision of whether to release an inmate to home confinement rests with the BOP"). To the extent that Lesane seeks compassionate release under 18 U.S.C. § 3582(c)(1)(A), the Government contends that he has not exhausted his administrative remedies and that exhaustion is mandatory. (Dkt. No. 67 at 5-7) Even if this Court were to reject the Government's exhaustion arguments, Lesane's application would fail on the merits. Although Lesane has a history of asthma (Id. at 8 n.3), the Bureau of Prisons represents that no inmates or staff members have tested positive for COVID-19 at FCI-Pekin, where Lesane is housed. (Id. at 2) Lesane also presents a significant danger to the community. He has a lengthy criminal record that includes numerous acts of violence and the possession of weapons. (PSR ¶¶ 28-56) The instant offense involves possession of a nine mm. Luger firearm with a defaced serial number. Lesane has not been susceptible to community supervision in the past (see id. ¶ 37) and, while incarcerated, he has had multiple serious disciplinary infractions, including for possessing a dangerous weapon and assaulting another inmate. (Dkt. No. 67 at 2) In sum, Lesane has not demonstrated "extraordinary and compelling" reasons justifying his release, and he has not demonstrated that he would not present a danger to the community if his sentence were reduced. His application is therefore denied. The Clerk of Court is directed to terminate Dkt. No. 66. A copy of this memo endorsement will be mailed to Defendant by Chambers.

SO ORDERED.



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Paul G. Gardephe  
United States District Judge

Dated: May 6, 2020